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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,583	08/07/2000	Shinako Matsuyama	450101-02142	1141
20999	7590	09/21/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			TRAN, TONGOC	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/581,583

Applicant(s)

MATSUYAMA ET AL.

Examiner

Tongoc Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/3/2005 has been entered. Claims 10-12 are pending for examination.

### ***Response to Arguments***

2. Applicant's arguments filed 7/5/2005 have been fully considered but they are not persuasive.

Applicant contends that the cited prior art, neither taken alone or in combination would teach or suggest claims limitations as cited in the independent claims. Examiner respectfully disagrees.

In respects to claims 10-12, Down teaches "[I]n one preferred method, the content data is encrypted with a second encrypting key, and the encrypted first encrypting key is transferred along with the metadata and usage condition data to the electronic store...the encrypted first encrypting key is transferred along with the promotional data to the customer's system" (Down, col. 3, lines 59-65). This met the limitation of first and second storage means since the keying information is being transferred from one device to another device where the first device performs the encrypting function and the second device decrypts the content data using the provided

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keys. Kuroda et al teaches electronic data storage apparatus includes data storage units for storing electronic data and authentication system between two devices for authenticating each other in order to transfer data between the data storage units (Kuroda, col. 11, line 35-col. 12, line 4); and Okui teaches "a temporary key is updated periodically to maintain confidentiality of the broadcasting information. The user key is used when the temporary key is initialized in starting up the receiving terminal of the temporary key is modified" (Okui, col. 1, lines 53-59). Since Kuroda teaches data transferred between storage units needs to be authenticated and Okui teaches the concept that key should be updated periodically to protect confidentiality of the data other key is used as key replacement in order to access encrypted data. Therefore, it would have been obvious to one of ordinary skill in the art to combine Down's encrypting data content with first and second key before transmitted to receiving device for decrypting content data with the teaching of Okui's in event that a key is modified and a replacement key needs to be provided with Kuroda's authentication system to ensure the sending or receiving device is who it claims to be before secure data is transmitted.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downs et al. (U.S. Patent No. 6,574,609) in view of Kuroda et al. (U.S. Patent No. 6,421,779) and further in view of Okui (U.S. Patent No. 6,594,758).

In respect to claim 10, Downs discloses an information processing device comprising:

the first storage means for storing an encrypted first key encrypted by a second key, the first storage means comprising:

first authentication means for authenticating the requesting device (e.g. Downs, col. 11, lines 5-25) ;

first encrypting/decrypting means for encrypting the first key and transmitting means for transmitting the encrypted first key (e.g. Downs, col. 3, lines 48-67 and col. 11, lines 6-24 and col. 76, lines 10-23);

decoding means comprising:

receiving means for receiving the encrypted first key from the first storage means; and second encrypting/decrypting means for decrypting the encrypted first key wherein the decoding means decodes the information with the first key obtained by the second encrypting/decrypting means (e.g. Downs, col. 3, lines 48-67, col. 76, lines 10-23 and col. 11, lines 6-24).

Downs does not explicitly disclose but Kuroda discloses the second authentication means for authenticating the first storage means (see Kuroda, col. 11, line 35-line 55). Therefore, it would have been obvious to one of ordinary skill in the art at

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the time the invention was made to incorporate the teaching of Downs information processing device with the teaching of Kuroda's second device authenticating the first device to ensure the integrity of the received data (Kuroda, Abstract). Furthermore, Downs does not explicitly disclose but Okui discloses periodically modifies key and provide a replacement key when key is modified ( Okui, col. 1, lines 50-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Okui's replacement key with Downs teaching of encrypting first key with the second key in order to provide replacement key to accommodates situation when keys are modified (Okui, col. 1, lines 55-57).

In respect to claims 11-12, the claimed limitations are method and computer-readable program claims that are substantially similar to claim 10. Therefore, claims 11-12 are rejected based on the similar rationale.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

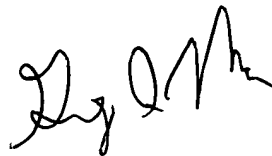
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Examiner: Tongoc Tran  
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September 19, 2005



GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100